

HB 416 -- CITIZENS POLICE REVIEW BOARD

SPONSOR: Adams

This bill establishes a citizens police review board within the Department of Public Safety consisting of six members appointed by the department director and a member of the Commission on Human Rights appointed by the commission. Board members must be residents of the state and registered voters and must not be employed by any political subdivision of the state, a party to any pending litigation against any political subdivision of the state, an elected public office holder, or a candidate for elected public office. Board members must reflect the cultural and racial diversity of the state and have no serious criminal record. Board members must serve in staggered three-year terms without compensation.

Board members must participate in orientation and training that includes review of the police professional standard unit's operating policies and procedures, a ride along with a law enforcement officer at least once every two years, and must follow the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics.

The board must convene to investigate any civilian fatality resulting from a law enforcement officer-involved shooting. The board will also have the following duties:

- (1) Review appeals from decisions on alleged misconduct;
- (2) Conduct a jurisdictional review from the decision that a person's allegations do not fall within the complaint requirements; and
- (3) Conduct audits or reviews of the records of law enforcement agencies for compliance with the requirements of these provisions.

Any family member, friend, or attorney of a civilian who has died as a result of a law enforcement officer-involved shooting or any person who witnessed alleged misconduct of a law enforcement officer may file a complaint with the department within one year from the date of the alleged misconduct. The board must investigate the alleged misconduct by reviewing any investigation conducted by the law enforcement agency and, subject to appropriations, contract with independent investigators to assist in its investigation of alleged misconduct.

The board may interview and hear comments from witnesses to the incident under investigation but must not allow comments by the

general public as part of its investigation.

The law enforcement agency and its officers must cooperate with the board by appearing before the board upon request and answering all questions honestly and thoroughly. Failure to cooperate must be grounds for disciplinary action up to and including dismissal from the law enforcement agency.

Law enforcement officers under investigation by the board must have the following rights in connection with the investigation:

- (1) The officer may provide a written or oral statement to an investigator or the board before investigative findings are made;
- (2) The officer may have an attorney representative present while he or she is being interviewed by the investigator or board;
- (3) The interview must be conducted, if practicable, during the officer's normal working hours; and
- (4) The officer may record the interview or obtain a copy of any recording of the interview.

After the investigation has been concluded and all witness testimony and forensic evidence has been reviewed, the board must determine that:

- (1) The complaint is unfounded because acts complained of did not occur or were misconstrued;
- (2) The complaint is not sustained because insufficient facts could not prove or disprove the acts complained of;
- (3) The complaint is sustained because sufficient facts proved there was misconduct; or
- (4) The officer is exonerated because acts complained of occurred but were justified, lawful, and proper.

The board must report its findings and determination to the county prosecutor or to the St. Louis City prosecutor depending on where the shooting occurred. The report must include a recommendation to the prosecutor regarding whether the officer should be charged with a crime due to his or her involvement in the fatality.